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**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

SIERRA CLUB, et al.,) Case No. 3:08-cv-01409-WHA
Plaintiffs,)
v.) DECLARATION OF TAYLOR STREIT
STEPHEN JOHNSON, et al.,)
Defendants,)
and)
SUPERFUND SETTLEMENTS PROJECT, et al.,)
Defendant-Intervenors.)

DECLARATION OF TAYLOR STREIT
(Case No. 3:08-cv-01409-WHA)

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1 I, TAYLOR STREIT, declare and state as follows:

2 1. I am over the age of 21 and competent to testify to all matters contained herein. I
 3 reside at 405 Placitas, #7, Taos, New Mexico 87571. I have lived in Taos since 1969.

4 2. I am the owner of a fly fishing guiding business called Streit Fly Fishing, and I own,
 5 with my son, the Taos Fly Shop located at 308B Paseo del Pueblo Sur, Taos, New Mexico. I started
 6 guiding fly fishing trips in northern New Mexico in 1978 and established the Taos Fly Shop in
 7 1980. I have published three books on fly fishing, including Instinctive Fly Fishing, Fly Fishing
 8 New Mexico and Man vs. Fish: the Fly Fisherman's Eternal Struggle.

9 3. I have been a member of Amigos Bravos since 1996. Because I love fishing – and
 10 make a living by it – I am acutely aware of the importance of keeping our rivers clean in northern
 11 New Mexico. Over the years I have tried to contribute my knowledge of fishing to the effort of
 12 protecting and restoring the Red River and the Rio Grande.

13 4. The Red River tumbles into the Rio Grande 15 miles above Taos, New Mexico. The
 14 last, lower few miles of the river cut through a parched, deep and nasty canyon composed of vertical
 15 cliffs, jumbled rock, dense brush, and cholla cactus. Below this tangle of trouble an equally unruly
 16 ribbon of white water smashes its way to the awaiting Rio Grande.

17 5. The lower Red River has the natural ingredients of a perfect trout stream. Natural
 18 springs stabilize the flow and the water temperature of the Red River, thereby allowing the fish and
 19 aquatic insects to prosper year round. As the Red River dashes to meet the Rio Grande, the
 20 churning of the water adds essential oxygen. There are deep, shaded holes for big trout and gravel
 21 beds for spawning. It would be hard to dream up a more ideal stream. The Red River and the
 22 stretch of the Rio Grande near the confluence of the Red River was, before it was impacted by the
 23 mine, the best and closest fishing in the Taos area. I experienced excellent fishing on these rivers
 24 between 1969 and 1981.

25 6. Ideal it was – before the intensive mining of 1981 by the Molycorp Mine (also
 26 known as the Chevron Mine). Pollution from the Molycorp Mine, located a few miles east of
 27 Questa, New Mexico and adjacent to the Red River, has severely impacted the Red River.

1 7. Although the Molycorp Mine had a negative influence on the Red for a long time,
2 the rich river had held its own, until the intense ore extractions of the 1980s. Then, in the blink of
3 an evolutionary eye, fish populations went to almost nothing in the smelly soup. The destruction
4 was so devastating that even years later the river is still but a tainted blue-green version of its former
5 self.

6 8. I had to close the Taos Fly Shop in 1988. The degradation of the Red River and the
7 Rio Grande were big factors in closing the shop: as unfortunately, the opening of my fly shop in
8 1980 coincided with a period in which molybdenum was in demand, and the Molycorp Mine
9 increased mining operations – moving mining underground in 1983. The intensive mining virtually
10 killed the fine fishery on the lower Red River, and my fishing business suffered as a result. In
11 addition, the Rio Grande, from its junction downstream from the polluted Red River could not
12 sustain trout more than a foot long.

13 9. Thus the quality of the Red River fishery, the prime spot to take clients, was
14 degraded and not suitable for fishing. People were nervous about fishing on the Red River and on
15 the Rio Grande below its confluence with the Red River because of the presence of the Molycorp
16 Mine. Around 1975 it became known that hazardous substances such as arsenic, lead, chromium,
17 cadmium, and zinc were released by the mine and polluted the downstream waters. This also
18 impacted retail sales in the fly shop because people stopped going fishing. When I was in the shop,
19 back in the early to mid-1980s, people would come in and say “ all I am catching on the Rio Grande
20 are these little trout – have I got the wrong fly?” It was painful to tell them that the pollution from
21 the mine was stunting the growth of the fish.

22 10. Because of the degraded quality of the Red River and Rio Grande from the release
23 of acidic and metal laden pollution from the Molycorp Mine, I closed my fly shop in 1988. Closing
24 the fly shop caused me to lose a profit-making opportunity that was my livelihood.

25 11. In 2004 in partnership with my son, Nick Streit, I reopened the Taos Fly Shop. We
26 now have to drive our clients farther away to clean and unpolluted rivers and seldom fish the Red
27 River and Rio Grande. If the Molycorp Mine and the associated pollution weren’t there, I would

1 take clients to the Red River to fish instead of driving approximately fifty miles farther to other
2 rivers that are not impacted by pollution. Driving farther away to other rivers increases my costs
3 and time and provides for a less enjoyable fishing experience for my clients – as we spend more
4 time in the car rather than on the water.

5 12. It saddens me that my son (who is 28 years old and was born just when the pollution
6 got real bad) and business partner has no firsthand knowledge of how great a fishery the Red River
7 once was.

8 13. Not only do I rarely take clients to the Red River to fish, I no longer go to the Red
9 River on my own to fish for pleasure.

10 14. If the U.S. Environmental Protection Agency required companies that generate
11 hazardous substances, like mines, to provide financial assurance to clean up the pollution caused by
12 their activities, the Red River and Rio Grande may never have been polluted. Without such
13 financial assurances, I am not sure if the Red River or Rio Grande will ever be cleaned up by the
14 owners of the Molycorp Mine. If the Molycorp Mine does not have sufficient funds to pay for
15 clean-up of the rivers, I fear that the rivers will remain polluted in my lifetime and throughout the
16 life of my son.

17 15. If the U.S. Environmental Protection Agency requires Molycorp (Chevron) to
18 maintain financial assurance at the Molycorp Mine, adequate funds for clean-up of the mine will be
19 available in the future, and the mine owners will have greater incentive to run the mine to prevent
20 pollution of the Red River and Rio Grande.

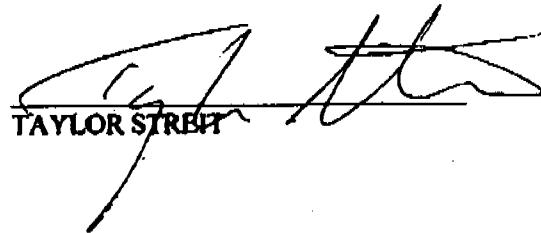
21 16. If the U.S. Environmental Protection Agency requires companies that generate and
22 handle hazardous substances to maintain financial assurances for clean-up, pollution of other rivers
23 may be prevented and more timely and complete clean-ups may occur.

24 17. The following description of my experiences of the Red River are excerpted from
25 my book, Man vs Fish: The Fly Fisherman's Eternal Struggle, University of New Mexico Press
26 (2007):
27
28

I still think back on the river as it once was. A fond recollection of fishing the lower Red River canyon occurred on an early spring day some thirty years ago. Probably April, that wonderful time of year when the mountains are still white, but the scents of spring are adrift on the warm air below. A great time to fish; a time when – after the long fasts of winter for fish and fisherman – the big trout are ravenous and as frantic to be caught as the impatient fisher is to catch them. And, it was a time before mining had polluted the lonely river.... What a beautiful, wild place. Two-foot thick ponderosas spread shade, vanilla scent and soft needles over the oasis. A 20-foot high boulder stood on end amongst the great trees. Even the roar of the crashing river below had been tamed by passing through this little paradise, giving it just the right gurgle to insure proper sleep. I ended up using the place often and eventually stashed some cooking gear there to lighten the load when hiking in and out. The fishing was wild! Every pool gave up a trout from 1 to 3 lbs. It was a workout, because each powerful fish sought escape by running downriver, and I'd have to give chase, getting not only soaked, but bashed and bruised on the rocks, as well.

18. Now the mighty resident cut bows are gone and the river is now inhabited by smallish brown trout and pellet-brained rainbows donated from the hatchery above. I guided a fellow down that remote area of the Red recently. I hadn't been there in a long time. After he had caught some small browns he looked at me with a grin and said, "pretty good isn't it"? But I, lost in a lonely vision of great red trout leaping out of the clear water, could only respond with a faint "uh-huh."

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge. Executed this 28 day of August, 2008, at Taos, New Mexico.


TAYLOR STREIT